

Serial No. 10/758,492

Resp. to Off. Act. of Apr. 19, 2005

UTILITY PATENT

B&amp;D No. TN-09425C

During the interview, Applicant's attorney informed the Examiner of the existence of two patents issued to Roger Smith, United States Patent Nos. 6,496,688 ("Smith '688") and 6,427,070 ("Smith '070"), which are both entitled "Heavy-Duty Audio Equipment." Applicant's attorney informed the Examiner that Smith '070 belongs to a line of patent applications and issued patents based on the inventions by Roger Q. Smith, which were assigned to Black & Decker, the assignee in the present application.

The Examiner was also informed as to the existence of two other patents, United States Patent Nos. 6,308,059 ("Domes '059") and 6,788,925 ("Domes '925"), both entitled "Ruggedized Tradesworkers Radio," issued to Joseph Domes, the present Applicant. Applicant's attorney informed the Examiner that the presently-pending application belongs to a line of patent applications and issued patents based on the inventions by Joseph Domes.

Applicant's attorney informed the Examiner that this pending application was filed by Black & Decker on January 15, 2004 and is a continuation application to Domes '059. Applicant's attorney further informed the Examiner that each of the above patents, as well as the presently-pending application, are currently assigned to Black & Decker Inc.

Applicant's attorney apprised the Examiner of a pending litigation between Black & Decker and Bosch involving only Domes '059 and Domes '925, Black & Decker Inc. v. Robert Bosch Tool Corporation, Civil Action No. 04 C 7955 (U.S. District Court for the Northern District of Illinois).